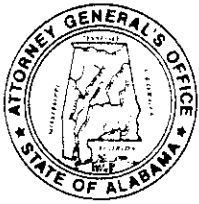


OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

OCT 29 1986

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Huntsville, Alabama 35801

Counties - Funds - Rescue
Squads - Private Work

A county government may properly perform free grading, filling, graveling and paving work for rural volunteer fire departments.

Dear Senator Smith:

We have received your request for an opinion from this office. You state the following facts:

Most of the rural areas of Alabama receive fire protection from volunteer fire departments. They are recognized as quasi governmental entities, in that they can receive grants of surplus state property and they are eligible to receive checks from the Governor's discretionary fund, as well as direct grants from the State Forestry Service. In addition, some volunteer fire departments are recognized by the Alabama Constitution in that they are recipients of certain property taxes. For many years the various county commissions have assisted volunteer fire departments by doing some grading, graveling and paving work at the

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volunteer fire department locations. However, due to some recent court decisions, a number of county commissioners are reluctant to perform any of these services for volunteer fire departments, due to the prohibition expressed in some of these cases that county governments cannot do work for private citizens or businesses.

Your question is as follows:

Can county governments perform free grading, filling, graveling and paving work for rural volunteer fire departments?

Code of Alabama 1975, §9-3-18 states:

(a) It is the intent of the legislature that this section provides assistance to organized volunteer fire departments and organized rescue squads. The legislature deems these organizations public in nature, as they protect the health, safety and welfare of the public.

(b) The state, any county, any municipality, any fire, water, sewer, garbage or school district, or any other public governmental entity or political subdivision is hereby authorized to donate money, property, equipment or other thing of value to any organized voluntary fire department or organized voluntary rescue squad. If disposed of it will return to the agency where it was obtained.

This section authorizes a county government to donate money, property, equipment or other thing of value to any organized voluntary rescue squad. Therefore, it is the opinion of this office that county government may properly perform free grading, filling, graveling and paving work for rural volunteer fire departments.

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I hope this sufficiently answers your question. If, however, we may be of further help, please do not hesitate to contact us.

Sincerely,

CHARLES A. GRADDICK
Attorney General

By:

A handwritten signature in cursive script, reading "Alice Ann Boswell".

ALICE ANN BOSWELL
Assistant Attorney General

CAG:AAB:ja